

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE MAY 31, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2650**

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**Introduced by Assembly Member Laird**

February 24, 2006

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An act to amend Sections ~~3, 5, 6, 7, 7.5, 11, 14, and 15~~ *1, 2, 3, 4, 5, 5A, 5B, 5C, 5D, 5E, 6, 7, 7.5, 8, 9, 10, 11, 12, 12.5, 13, 14, 15, 15.1, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31* of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941), relating to the Monterey Peninsula Airport District.

LEGISLATIVE COUNSEL'S DIGEST

AB 2650, as amended, Laird. Monterey Peninsula Airport District.

(1) Existing law, the Monterey Peninsula Airport District Act, establishes the Monterey Peninsula Airport District and prescribes its powers and purposes. The act authorizes the district to incur indebtedness and to issue bonds pursuant to specified provisions of law. Under the act, the total amount of outstanding bonds issued under these provisions may not exceed \$15,000,000 at any one time.

This bill would delete that limitation.

The bill would authorize the district to incur indebtedness using securitized limited obligation notes pursuant to specified existing law, *and incur other types of indebtedness pursuant to specified existing laws.*

(2) The act authorizes the district to maintain a police department, to adopt ordinances, resolutions, and regulations to protect the peace, health, and safety of the public in an airport of the district, as

specified, and to prescribe penalties for the violation of those ordinances, resolutions, and regulations. The act makes a violation of any ordinance, resolution, or regulation a misdemeanor. The act specifies that the police powers granted to the district by these provisions are solely for the purposes of carrying out these provisions.

This bill would delete the reference to the district's police powers, and specify that the district's authority to adopt ordinances, resolutions, and regulations is for the protection of the public's peace, health, or safety in an airport of the district. The bill would make any violation of an ordinance, resolution, or regulation a misdemeanor unless, by ordinance, the district designates the violation as an infraction.

~~(4)~~

(3) The act requires the district to conduct a district election in the manner provided by law for general municipal elections and general laws, as applicable.

This bill would require the district to conduct a district election in the manner provided by the Uniform District Election Law. By establishing duties on county election officials in connection with district elections, the bill would impose a state-mandated local program.

~~(5)~~

(4) The act, with exceptions, requires the district to undertake, by ordinance, certain actions, including actions approving the expenditure of more than \$10,000, the acquisition or disposition of real property, and the granting of any franchise. The act requires all ordinances to be signed by the chairperson of the board of directors and to be attested to by the secretary. The act requires all members of the board of directors who are present at any meeting to vote with regard to a proposed ordinance or resolution that is pending before the board.

This bill would delete that requirement relative to those described district actions, and would require all ordinances to be signed by the chairperson or acting chairperson of the board of directors and attested to by the secretary or the acting secretary. The bill would delete the voting requirement.

~~(6)~~

(5) The act provides that the members of the board of directors, the secretary of the board, a general manager, an auditor, and district counsel are the officers of the district.

This bill would include one or more assistant managers among those district officers.

~~(7)~~

(6) The act authorizes the board of directors to grant to each of its members compensation in an amount not to exceed \$100 for attendance at each regular or special meeting of the board held within the district. The act prohibits each director from receiving compensation for more than 4 meetings in any calendar month.

This bill, instead, would authorize the board of directors to grant that amount of compensation to each director for each regular or special meeting of the board attended, or for each day's service rendered as a director at the request of the board, and would prohibit each director from receiving compensation for more than 4 days in any calendar month.

~~(8)~~

(7) The act requires a vacancy on the board of directors to be filled by appointment, and requires a successor to be elected for the unexpired term of his predecessor at the next general election.

This bill would require a vacancy to be filled pursuant to a specified provision of the Government Code.

~~(9)~~

*(8) The act specifies various powers and duties that the district has in relation to levying taxes.*

*This bill would delete these provisions, and instead allow the district to levy benefit assessments, consistent with the California Constitution, and special taxes, pursuant to existing laws, as specified.*

(9) The act requires the district auditor to draw warrants to pay demands made against the district if the demands have been approved by at least 3 members of the board of directors, and provides for the payment of those demands from depositories designated by the district for the custody of district funds.

This bill would revise those provisions to also apply to the payment of demands made against the district in the form of checks, electronic fund transfer authorizations, or other specified means, and would exempt the payment of certain claims or demands from approval by one or more members of the board of directors.

By establishing various requirements on the district, the bill would impose a state-mandated local program.

*(10) The bill would make various technical, nonsubstantive changes to the act.*

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(12) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1 of the Monterey Peninsula Airport  
2     District Act (Chapter 52 of the Statutes of 1941) is amended to  
3     read:

4     Section 1. Monterey Peninsula Airport District Created. A  
5     public airport district is hereby created; *and designated as the*  
6     “Monterey Peninsula Airport ~~District,~~” ~~and the District.~~ The  
7     territory and boundaries of ~~said the~~ district shall be all of the  
8     certain territory in the County of Monterey, ~~State of California,~~  
9     situate, ~~lying and being,~~ within the *following* boundaries  
10    particularly described as follows, to wit:

11    Beginning at the mouth of the Carmelo River at the shore line  
12    of the Pacific Ocean; thence easterly up the Carmelo River to the  
13    southeast corner of Lot 1 of the Rancho Canada de la Segunda;  
14    thence north along the east line of Lot 1 of said rancho to the  
15    northeast corner of said Lot 1 on the north line of said rancho;  
16    thence east following the north line of Rancho Canada de la  
17    Segunda and the north boundary line of the James Meadow Tract  
18    to the northeast corner of the James Meadow Tract; thence  
19    northeasterly to the most easterly corner of Tract No.2 of the City  
20    Lands of Monterey on the south boundary of Laguna Seca  
21    Rancho; thence following the boundary of Laguna Seca Rancho

1 southeasterly to the southeast corner thereof; thence north  
2 following the east boundary to the northeast corner of said  
3 Laguna Seca Rancho; thence leaving the boundary of said ranch  
4 northwesterly along a direct line connecting the northeast corner  
5 of the Laguna Seca Rancho with the northeast corner of the  
6 Noche Buena Rancho, to its intersection with the produced  
7 division line of Lots 9 and 1 of the said Noche Buena Rancho;  
8 thence west along the said produced line and boundary of said  
9 Lots 9 and 1 to the shore of *the* Pacific Ocean; thence southerly  
10 and westerly along said shore line to the place of beginning.  
11 Reference is hereby made for further particulars to the Official  
12 Map of Monterey County, compiled by Lou G. Hare, 1898, on  
13 file in the office of the county recorder of ~~said county~~ Monterey  
14 County.

15 *SEC. 2. Section 2 of the Monterey Peninsula Airport District*  
16 *Act (Chapter 52 of the Statutes of 1941) is amended to read:*

17 *Sec. 2. Purposes of Act. The object purposes of this act is are*  
18 *to empower and enable ~~said~~ the district to acquire, own, lease,*  
19 *improve, operate, and maintain, or cause to be operated and*  
20 *maintained, a public airport or airports, with the necessary lands,*  
21 *devices, appurtenances, and approaches, for civil and military*  
22 *purposes.*

23 ~~SECTION 1.~~

24 *SEC. 3. Section 3 of the Monterey Peninsula Airport District*  
25 *Act (Chapter 52 of the Statutes of 1941) is amended to read:*

26 *Sec. 3. Corporate Powers. The Monterey Peninsula Airport*  
27 *District is hereby declared to be, and established as, a body*  
28 *corporate and politic, and, in addition to other powers herein*  
29 *granted, shall have and is hereby granted all of the following*  
30 *powers:*

31 (a) Perpetual Succession. To have perpetual succession.

32 (b) Lawsuits. To sue and be sued in the name of the district in  
33 all actions and proceedings in all courts and tribunals of  
34 competent jurisdiction.

35 (c) Seal. To adopt a seal and alter it at pleasure.

36 (d) Property. To take by grant, purchase, gift, devise or lease,  
37 hold, use, enjoy, and to lease or dispose of, real or personal  
38 property of every kind within or outside the district necessary to  
39 the full exercise of its power.

1 (e) Improvements. To acquire or contract to acquire lands,  
2 rights-of-way, easements, privileges and property of every kind,  
3 and construct, maintain, and operate any and all works or  
4 improvements within or outside the district necessary or proper  
5 to carry out any of the objects or purposes of this act, and to  
6 complete, extend, add to, repair, or otherwise improve, any  
7 works or improvements acquired by the district in accordance  
8 with this act.

9 (f) Eminent Domain. To exercise the right of eminent domain  
10 to take any property necessary to carry out any of the objects or  
11 purposes of this act.

12 (g) Indebtedness.

13 (1) To incur indebtedness and to issue bonds pursuant to  
14 Section 61126 of the Government Code.

15 (2) To incur indebtedness and to issue bonds pursuant to the  
16 bond provisions of the Revenue Bond Law of 1941 (Chapter 6  
17 (commencing with Section 54300) of Part 1 of Division 2 of Title  
18 5 of the Government Code).

19 (3) To incur indebtedness and to issue negotiable promissory  
20 notes pursuant to a resolution adopted by vote of a majority of  
21 the members of the district's board of directors. The amount of  
22 indebtedness under this paragraph shall not exceed one million  
23 dollars (\$1,000,000) and shall be repaid within 10 years from the  
24 date on which it is incurred.

25 (4) To incur indebtedness using securitized limited obligation  
26 notes pursuant to Article 7.4 (commencing with Section 53835)  
27 of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government  
28 Code.

29 (5) To borrow money from the United States or any federal  
30 agency or department for the acquisition or improvement of land  
31 for district purposes. The district may borrow this money  
32 pursuant to a resolution adopted by vote of a majority of the  
33 members of the district's board of directors. The resolution shall  
34 specify the particular project being undertaken and the amount,  
35 term, and method of repayment of the loan. When received, the  
36 money shall be deposited in a special fund and spent only for the  
37 purposes for which the loan was approved. If a surplus remains  
38 after the completion of the project, the surplus shall be applied to  
39 repaying the loan.

(6) Notwithstanding any other provision of law, the maximum rate of interest on indebtedness issued pursuant to this subdivision shall not exceed the rate prescribed by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code. The interest may be fixed or variable and may be simple or compound. The interest shall be payable at the time or times determined by the district.

(h) Taxes. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in accordance with this act.

(i) Exercise of Powers—Contracts. To make contracts, and to employ persons and labor, and to do all acts necessary for the full exercise of all powers vested in the district, or in any of the officers of the district, by this act.

(j) Disposal of Property. To lease, sell, or dispose of any property, or any interest in property, acquired in fee, or otherwise, whenever in the judgment of the board of directors the property, or any interest or part of the property, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the property for the purposes of the district, and to pay any compensation received for the property into the general fund of the district and use the compensation for the purposes of this act.

(k) Operation and Concession Agreements. To make contracts for the operation or maintenance of any airport of the district, or for any concession thereupon necessary or convenient to the district.

~~(l) (1) Police Powers of District.~~ *Police Powers of District.*

(1) To equip and maintain a police department, to adopt ordinances, resolutions, and regulations for the protection of the public peace, health, or safety, in or upon any airport of the district, or in or upon any approach to the airport, owned or controlled by the district and to prescribe penalties for the violation of those ordinances, resolutions, or regulations.

(2) Violation of any ordinance, resolution, or regulation shall constitute a misdemeanor, unless, by ordinance, the district designates the violation as an infraction.

(m) General Powers. To possess and exercise all powers necessary or appropriate to a public airport district that are not

1 prohibited by the California Constitution, including all powers  
2 granted by, or that may be hereafter granted by, any general law  
3 of the state to any public airport district and all powers incidental  
4 to, and necessary or convenient in connection with, the exercise  
5 of the powers generally or specifically granted to the district by  
6 this act.

7 *SEC. 4. Section 4 of the Monterey Peninsula Airport District*  
8 *Act (Chapter 52 of the Statutes of 1941) is amended to read:*

9 Sec. 4. Board of Directors.

10 (a) All powers granted to and vested in the district by ~~the~~  
11 ~~provisions of this act shall~~, except as ~~herein~~ otherwise provided,  
12 ~~shall~~ be exercised by the board of directors of ~~said the~~ district, to  
13 be designated the "Board of Directors of *the* Monterey Peninsula  
14 Airport District." The board of directors shall be the governing  
15 body of the district and, subject to the express limitations of this  
16 act, shall be vested with all powers necessary or convenient for a  
17 complete and adequate system of government for ~~said the~~  
18 district, consistent with the *California* Constitution ~~of the State~~,  
19 including all powers now or hereafter granted by general law to  
20 boards of directors or other governing bodies of airport districts  
21 in the ~~State~~ *state*.

22 (b) The board of directors shall be comprised of five members,  
23 and shall be the legislative body of the district, each of the  
24 members of which shall have the right to vote upon all questions  
25 coming before it.

26 ~~The first board of directors shall be appointed by the board of~~  
27 ~~supervisors at its first regular meeting, or adjournment thereof or~~  
28 ~~at a special meeting held prior thereto called for such purpose,~~  
29 ~~subsequent to the effective date of this act, in the manner~~  
30 ~~following: One of such directors shall be appointed from each~~  
31 ~~municipality, one thereof from the unincorporated territory, and~~  
32 ~~one thereof at large, in the district.~~

33 ~~The members of the board of directors so selected, upon~~  
34 ~~qualification, shall meet and organize at the chambers of said~~  
35 ~~board of supervisors in the courthouse at Salinas, California, at 2~~  
36 ~~o'clock p.m. on Monday next succeeding the making of such~~  
37 ~~appointments by the board of supervisors. Said board of directors~~  
38 ~~shall thereupon forthwith elect one of their number as chairman~~  
39 ~~and a qualified stenographer as secretary of said board of~~  
40 ~~directors.~~



1   ~~The members of said board of directors shall then select by lot~~  
2   ~~two of their number whose respective terms of office shall~~  
3   ~~terminate upon the election and qualification of their successors~~  
4   ~~at the first general district election held thereafter at the time and~~  
5   ~~in the manner as prescribed in this act. The respective terms of~~  
6   ~~office of the remaining three members of said board of directors~~  
7   ~~shall end upon the election and qualification of their successors~~  
8   ~~on said board two years subsequent to said first general district~~  
9   ~~election at the time and in the manner hereinafter prescribed.~~

10   ~~SEC. 2.~~

11   ~~SEC. 5.~~ Section 5 of the Monterey Peninsula Airport District  
12   ~~Act (Chapter 52 of the Statutes of 1941) is amended to read:~~

13   ~~Sec. 5. General District Elections. A general district election~~  
14   ~~shall be held in the district on the first Tuesday after the first~~  
15   ~~Monday in November in each even-numbered year. At each~~  
16   ~~district election, members of the board of directors equal in~~  
17   ~~number to the members whose terms on the board are expiring,~~  
18   ~~and upon the qualification of their successors, shall be elected for~~  
19   ~~the term of four years each and until each of their successors~~  
20   ~~have been elected and have qualified for office. All district~~  
21   ~~elections shall be noticed, held, the election returns canvassed,~~  
22   ~~and the election results declared in the manner prescribed by the~~  
23   ~~Uniform District Election Law (Part 4 (commencing with Section~~  
24   ~~10500) of Division 10 of the Elections Code). The district shall~~  
25   ~~hold a general district election governed by the provisions of the~~  
26   ~~Uniform District Election Law (Part 4 (commencing with Section~~  
27   ~~10500) of Division 10 of the Elections Code) for the election of~~  
28   ~~directors on the first Tuesday after the first Monday in November~~  
29   ~~of each even-numbered year.~~

30   ~~SEC. 6. Section 5A of the Monterey Peninsula Airport~~  
31   ~~District Act (Chapter 52 of the Statutes of 1941) is amended to~~  
32   ~~read:~~

33   ~~Sec. 5A. Special Other Elections. All other district elections~~  
34   ~~that may be held by authority of this act or any general law shall~~  
35   ~~be known as special district elections, and shall be held~~  
36   ~~substantially as in the manner provided in this act provided for~~  
37   ~~general district elections or in conformity with the general law to~~  
38   ~~the extent the general law provides for the procedure and~~  
39   ~~manner of holding those elections; provided, however, that~~  
40   ~~special elections to authorize any district public improvement or~~

1 ~~acquisition, or to create a district bonded indebtedness under any~~  
2 ~~general law of the State relative thereto, shall be held in~~  
3 ~~conformity with the provisions of such general law relative~~  
4 ~~thereto in case such general law provides for the procedure and~~  
5 ~~manner of holding elections thereunder.~~

6 *SEC. 7. Section 5B of the Monterey Peninsula Airport*  
7 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
8 *read:*

9 *Sec. 5B. Propositions. Any proposition to authorize the*  
10 ~~incurring of a bonded indebtedness pursuant to any general law~~  
11 ~~of the State, or other proposition which that may lawfully be~~  
12 ~~submitted to the voters of the district for their approval or~~  
13 ~~rejection, may be so submitted by the board of directors at any~~  
14 ~~general district general election, or special other election called~~  
15 ~~for that purpose.~~

16 *SEC. 8. Section 5C of the Monterey Peninsula Airport*  
17 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
18 *read:*

19 *Sec. 5C. Meetings of the Board of Directors. The board of*  
20 *directors shall provide by ordinance or resolution for the time*  
21 *and place of holding its meetings and the manner in which its*  
22 *special meetings may be called; provided, however, that.*  
23 *However, there shall be at least one regular meeting in each*  
24 *month. Any regular meeting may be adjourned to a date and hour*  
25 *certain, and such the adjourned meeting shall be a regular*  
26 *meeting for all purposes. All legislative sessions of the board of*  
27 *directors, whether regular or special, shall be open to the public.*

28 *SEC. 9. Section 5D of the Monterey Peninsula Airport*  
29 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
30 *read:*

31 *Sec. 5D. Quorum. A majority of the board of directors shall*  
32 *constitute a quorum for the transaction of business, but a less*  
33 ~~number may adjourn from time to time and postpone the~~  
34 ~~consideration of, or action upon, any business which may be~~  
35 ~~pending.~~

36 *SEC. 10. Section 5E of the Monterey Peninsula Airport*  
37 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
38 *read:*

39 *Sec. 5E. Conduct of Meetings. The board of directors shall*  
40 *determine its own rules of procedure and may punish its*

~~members or other persons present at any meeting for disorderly  
conduct for orderly meetings.~~

~~SEC. 3.~~

*SEC. 11.* Section 6 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941) is amended to read:

Sec. 6. Legislation.

(a) (1) The board of directors shall act in legislative matters only by ordinance or resolution. Other actions of the board of directors, unless otherwise provided by this act, may be undertaken by resolution, motion, or order.

(2) The votes shall be counted upon the passage of all ordinances and resolutions, and entered upon the record of the proceedings of the board of directors. Upon the request of any member of the board of directors, the vote on any matter shall be recorded.

(3) No ordinance or resolution shall be passed without receiving the votes of at least three members of the board of directors.

(b) (1) Each ordinance shall be headed by a brief title, which shall indicate its purpose.

(2) The ordaining clause of all ordinances adopted by the board of directors shall be, "The Board of Directors of the Monterey Peninsula Airport District do ordain as follows:". The ordaining clause of all ordinances passed by initiative shall be, "The People of the Monterey Peninsula Airport District do ordain as follows:".

(c) (1) No ordinance shall be passed by the board of directors until at least five days after its introduction or until publication at least once in a newspaper of general circulation within the district at least three days before its adoption.

(2) When an ordinance is amended before its final adoption, and after its publication, it shall be republished in full as amended at least one day before its adoption as amended.

(3) Notwithstanding any other provision of this act, if the amendment is only for the correction of clerical errors or omissions of form, the ordinance need not be given a first reading or a republication as corrected.

(d) Except as otherwise provided by law, the levying of any tax or assessment or the imposing of any penalty shall be undertaken by ordinance.

1 (e) (1) No ordinance shall be amended or repealed except by  
2 ordinance. No ordinance shall be amended by reference to its title  
3 only.

4 (2) All ordinances shall be signed by the chairperson or acting  
5 chairperson of the board of directors and attested to by the  
6 secretary or acting secretary.

7 (3) All ordinances shall take effect 30 days after final passage  
8 and approval, except that any ordinance determined and declared  
9 by the board of directors to be necessary for the immediate  
10 preservation of the public peace, health, or safety of the district  
11 shall take effect immediately upon final passage, and a statement  
12 of facts constituting the urgency shall be set forth in the  
13 ordinance.

14 ~~SEC. 4.~~

15 *SEC. 12.* Section 7 of the Monterey Peninsula Airport District  
16 Act (Chapter 52 of the Statutes of 1941) is amended to read:

17 Sec. 7. Officers. The members of the board of directors, the  
18 secretary of the board, a general manager, one or more assistant  
19 managers, an auditor, and district counsel are the officers of the  
20 district. No member of the board of directors shall be qualified  
21 for election or appointment as a member unless he or she has  
22 been a registered voter of the district for at least 30 days  
23 immediately preceding the deadline for filing nomination  
24 documents. Each member of the board of directors shall reside in  
25 the district during his or her incumbency. The board of directors  
26 shall, by ordinance, prescribe the powers, duties, and  
27 compensation of all the officers, unless those powers, duties, and  
28 compensation are prescribed by this act. In those cases, the board  
29 may, by ordinance, prescribe additional powers and duties for  
30 any officer consistent with this act.

31 ~~SEC. 5.~~

32 *SEC. 13.* Section 7.5 of the Monterey Peninsula Airport  
33 District Act (Chapter 52 of the Statutes of 1941) is amended to  
34 read:

35 Sec. 7.5. Compensation.

36 (a) Each member of the board of directors shall receive  
37 compensation in an amount not to exceed the amount set forth in  
38 Section 22407 of the Public Utilities Code for each regular or  
39 special meeting of the board attended or each day's service

1 rendered as a director at the request of the board, which amount  
2 shall be fixed by the board from time to time.

3 (b) Notwithstanding subdivision (a), no director shall receive  
4 compensation for more than four days in any calendar month.

5 (c) Each director shall also be allowed, with the approval of  
6 the board, all travel and other expenses necessarily incurred by  
7 the member in the actual performance of the member's duties.  
8 Reimbursement for expenses pursuant to this subdivision is  
9 subject to Sections 53232.2 and 53232.3 of the Government  
10 Code.

11 *SEC. 14. Section 8 of the Monterey Peninsula Airport District*  
12 *Act (Chapter 52 of the Statutes of 1941) is amended to read:*

13 Sec. 8. Subordinate Officers and Employees. The board of  
14 directors ~~shall have the power to~~ may create and abolish, by  
15 ordinance or resolution, all offices and employments other than  
16 those created by this act; ~~to~~ fix the compensation, powers, and  
17 duties, ~~thereof of those offices and employments, and to~~  
18 determine the procedure for removing any officer or employee  
19 therefrom.

20 *SEC. 15. Section 9 of the Monterey Peninsula Airport District*  
21 *Act (Chapter 52 of the Statutes of 1941) is amended to read:*

22 Sec. 9. Official Bonds. The board of directors shall fix the  
23 amount of all bonds to be required of district officers and  
24 employees, the mode of approving the ~~same~~ bonds, and shall  
25 determine the particular officers and employees who shall be  
26 required to furnish ~~such~~ bonds.

27 *SEC. 16. Section 10 of the Monterey Peninsula Airport*  
28 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
29 *read:*

30 Sec. 10. Oath of Office. Every officer of the district before  
31 entering upon the duties of ~~his~~ office, shall take and subscribe the  
32 oath of office as provided for in the *California Constitution of*  
33 ~~the State and shall file the same forthwith~~ *it* with the secretary of  
34 the board of directors.

35 ~~SEC. 6.~~

36 *SEC. 17. Section 11 of the Monterey Peninsula Airport*  
37 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
38 *read:*

39 Sec. 11. Vacancies. *A vacancy on the board of directors shall*  
40 *be filled pursuant to Section 1780 of the Government Code.*

1 ~~(a) A vacancy on the board of directors shall be filled pursuant~~  
2 ~~to Section 1780 of the Government Code.~~

3 *SEC. 18. Section 12 of the Monterey Peninsula Airport*  
4 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
5 *read:*

6 Sec. 12. Delegation of Powers by Board of Directors. The  
7 board of directors may delegate any power, or powers, granted to  
8 ~~said the~~ district, or to ~~said the~~ board of directors, by ~~the~~  
9 ~~provisions of~~ this act, except legislative powers and ministerial  
10 functions specifically required by this act to be performed by ~~said~~  
11 ~~the~~ board or its officers, to ~~such~~ other officers and employees of  
12 the district as ~~to said the board may seem~~ *determines to be proper*  
13 and in the public interest; ~~and provided, that such, if that~~  
14 delegation of power is not in conflict with the ~~Constitution of the~~  
15 *State California Constitution.*

16 *SEC. 19. Section 12.5 of the Monterey Peninsula Airport*  
17 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
18 *read:*

19 Sec. 12.5. Collection of Fines. Notwithstanding any other  
20 provision of law, *an amount equivalent to 50 percent of the total*  
21 *of all fines or forfeitures collected for violations of district*  
22 *ordinances shall be transferred, once a month, by the county*  
23 *treasurer to the account of the district.*

24 *SEC. 20. Section 13 of the Monterey Peninsula Airport*  
25 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
26 *read:*

27 Sec. 13. ~~Collection of Property Taxes by County. In addition~~  
28 ~~to the powers and duties vested in the board of supervisors of the~~  
29 ~~County of Monterey by other provisions of this act, said board of~~  
30 ~~supervisors is hereby vested with the following additional powers~~  
31 ~~and duties relative to said district. Except as otherwise herein~~  
32 ~~provided, the board of supervisors, at the time and in the manner~~  
33 ~~provided by general law for the levy and equalization of county~~  
34 ~~taxes, shall levy annually upon the property in said district the~~  
35 ~~district taxes as formally directed by the board of directors of the~~  
36 ~~district, and as limited by the provisions of this act, and shall sit~~  
37 ~~and act as a board of equalization for the purpose of equalizing~~  
38 ~~such district taxes at the time and in the form and manner~~  
39 ~~prescribed by general law for the equalization of county taxes.~~  
40 ~~The county clerk, the county assessor, the county tax collector~~

1 and the county auditor of said Monterey County shall, without  
2 additional compensation, be vested with like powers and duties  
3 with relation, respectively, to the assessment, equalization and  
4 collection of district taxes as they are vested and charged with  
5 relation to county taxes of said Monterey County. The proceeds  
6 of the taxes collected shall be paid to the district. *Allocation of*  
7 *Property Taxes by County. The auditor of Monterey County shall*  
8 *allocate to the district its share of property tax revenue pursuant*  
9 *to Chapter 6 (commencing with Section 95) of Part 0.5 of*  
10 *Division 1 of the Revenue and Taxation Code.*

11 ~~SEC. 7.~~

12 *SEC. 21.* Section 14 of the Monterey Peninsula Airport  
13 District Act (Chapter 52 of the Statutes of 1941) is amended to  
14 read:

15 Sec. 14. Depositories. The board shall designate depositories  
16 for the custody of the funds of the district. A depository shall  
17 give security sufficient to secure the district against possible loss,  
18 and shall pay the warrants, checks, electronic fund transfer  
19 authorizations, and other instructions for payment prepared by  
20 the auditor for demands against the district under rules that the  
21 board may prescribe.

22 ~~SEC. 8.~~

23 *SEC. 22.* Section 15 of the Monterey Peninsula Airport  
24 District Act (Chapter 52 of the Statutes of 1941) is amended to  
25 read:

26 Sec. 15. Auditor; Duties and Payment of Warrants.

27 (a) The auditor shall install and maintain a system of auditing  
28 and accounting that shall competently and at all times show the  
29 financial condition of the district. The system of auditing and  
30 accounting shall be consistent with generally accepted  
31 accounting principles.

32 (b) The auditor shall prepare warrants, checks, electronic fund  
33 transfer authorizations, and other instructions for payment to pay  
34 demands made against the district if the demands have been  
35 approved by at least three directors. The auditor's payment  
36 procedures shall be consistent with generally accepted  
37 accounting principles.

38 (c) Notwithstanding subdivision (b), warrants, checks,  
39 electronic fund transfer authorizations, or other forms for  
40 payment of claims or demands approved by the auditor in

1 accordance with a budget approved by the board of directors  
2 need not be approved by one or more members of the board of  
3 directors prior to payment.

4 *SEC. 23. Section 15.1 of the Monterey Peninsula Airport*  
5 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
6 *read:*

7 Sec. 15.1. Claims. All claims for money or damages against  
8 the district are governed by Part 3 (commencing with Section  
9 900) and Part 4 (commencing with Section 940) of Division 3.6  
10 of Title 1 of the Government Code ~~except as provided therein~~, or  
11 by other statutes or regulations expressly applicable ~~thereto~~ to  
12 *claims for money or damages.*

13 *SEC. 24. Section 16 of the Monterey Peninsula Airport*  
14 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
15 *read:*

16 Sec. 16. Construction Projects.

17 (a) In the erection, construction, improvement, and repair of  
18 all public buildings, structures, and airports of the district, and in  
19 supplying materials for those activities, when the expenditure ~~in~~  
20 ~~that case~~ exceeds the sum of five thousand dollars (\$5,000), the  
21 contract shall be awarded by the board of directors to the lowest  
22 responsible bidder after notice by publication in a newspaper of  
23 general circulation printed, published, and circulated in the  
24 district under conditions that the board may specify. The detailed  
25 procedure for carrying out this section shall be prescribed by  
26 ordinance.

27 (b) The board of directors may reject any and all bids  
28 presented, and may readvertise for other bids.

29 (c) The board of directors may determine and declare by a  
30 four-fifths vote of all its members that the work or improvement  
31 in question may be more economically or satisfactorily  
32 performed as a project of ~~the Works Projects Administration, or~~  
33 ~~other~~ *an* agency of the federal or state government, and after the  
34 adoption of a resolution to that effect, it may proceed to have the  
35 work or improvement made through that ~~administration or~~  
36 agency and need not follow the requirements imposed by this  
37 section.

38 (d) This section shall not apply if the board elects to become  
39 subject to the Uniform Public Construction Cost Accounting Act



(Chapter 2 (commencing with Section 22000) of Part 3 of Division 2 of the Public Contract Code).

*SEC. 25. Section 17 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941) is amended to read:*

*Sec. 17. District Airport Acquisition and Improvements.*

~~All public improvements of said district, including the acquisition of land for district airport purposes; or the improvement thereof, or the acquisition of lands for airport approaches, or the improvement thereof, may be made or done in pursuance of general laws of the State empowering municipalities to acquire lands for any public purpose or to make local improvements and to assess the costs thereof upon the frontage or district of lands benefited thereby; provided, however, that whenever it is proposed to include the whole or by part of the lands within a municipality in said district in the frontage, or within the district of lands, to be assessed for such acquisition or improvement, the formal consent of the legislative body of such municipality shall first be obtained before the institution of such proceeding; provided further, that such consent shall be dispensed with in any local improvement proceeding or proceeding to acquire land, or make improvements, for district purposes where all lots and lands within the airport district are included in the assessment district and all assessments proposed or levied upon the taxable property in said district are computed on an ad valorem basis.~~

~~In addition to other acts mentioned herein, the provisions of that certain act, entitled "An act to provide for work in and upon streets, avenues, lanes, alleys, courts, places and sidewalks within municipalities \_\_\_\_\_," etc., approved April 7, 1911, and the acts amendatory thereto; and the provisions of that certain act, entitled "An act to provide for the issuance of improvement bonds to represent and be secured by certain assessments made for the cost of certain work and improvements \_\_\_\_\_," etc., approved June 11, 1915, and of acts amendatory thereto, are hereby made applicable to the "Monterey Peninsula Airport District" and local airport district work and improvements therein; provided, however, that the words "city council" and "council" used in said, and other such, acts, shall be understood to mean the board of directors of said airport district: the words~~

1 “city” and “municipality” shall be understood to mean the  
2 “Monterey Peninsula Airport District: the words “clerk” and  
3 “city clerk” shall be understood to mean “secretary” of said  
4 board of directors: the words “superintendent of streets” and  
5 “street superintendent” and the words “city engineer” shall be  
6 understood to mean the manager and the engineer, respectively,  
7 of said airport district: the words “tax collector” and the words  
8 “treasurer” or “city treasurer” shall be understood to mean the  
9 county tax collector and the county treasurer, respectively, of the  
10 County of Monterey; and provided further, that all of the powers  
11 and duties conferred by the provisions of said acts, and the acts  
12 amendatory or supplementary thereto, upon city councils,  
13 superintendents of streets, clerks and city clerks, tax collectors,  
14 treasurers and engineers, are hereby conferred and imposed upon  
15 respective officers and boards above specified; provided,  
16 however, that, notwithstanding anything herein contained, if  
17 protest against the proposed work is made by the owners of a  
18 majority of the property fronting on the proposed work or by the  
19 owners of more than one-half of the area of the property included  
20 within the assessment district to be assessed for the improvement  
21 (as the case may be) as provided in Section 5222 of the Streets  
22 and Highways Code, then and in either of such events the board  
23 of directors shall have no right or authority to overrule such  
24 majority protests and the proceedings for the making of such  
25 improvement shall thereupon terminate and no further  
26 proceedings shall thereafter be instituted within a period of one  
27 year from the date of filing of such majority protest. *Benefit*  
28 *Assessments for Operation and Maintenance. The district may*  
29 *levy benefit assessments for operations and maintenance*  
30 *consistent with the requirements of Article XIII D of the*  
31 *California Constitution, including, but not limited to, benefit*  
32 *assessments levied pursuant to any of the following:*  
33 (a) *The Improvement Act of 1911 (Division 7 (commencing*  
34 *with Section 5000) of the Streets and Highways Code).*  
35 (b) *The Improvement Bond Act of 1915 (Division 10*  
36 *(commencing with Section 8500) of the Streets and Highways*  
37 *Code).*  
38 (c) *The Municipal Improvement Act of 1913 (Division 12*  
39 *(commencing with Section 10000) of the Streets and Highways*  
40 *Code).*

1     (d) *The Landscaping and Lighting Assessment Act of 1972*  
2     *(Part 2 (commencing with Section 22500) of Division 15 of the*  
3     *Streets and Highways Code), notwithstanding Section 22501 of*  
4     *the Streets and Highways Code.*

5     (e) *Any other statutory authorization enacted on or after*  
6     *January 1, 2006.*

7     SEC. 26. *Section 18 of the Monterey Peninsula Airport*  
8     *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
9     *read:*

10    Sec. 18. Fiscal Year. The fiscal year of the Monterey  
11    Peninsula Airport District shall commence on the first day of  
12    July of each year, or at ~~such~~ any other time ~~as may be~~ fixed by  
13    ordinance.

14    SEC. 27. *Section 19 of the Monterey Peninsula Airport*  
15    *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
16    *read:*

17    Sec. 19. ~~Regular Tax Levy. The board of supervisors must, at~~  
18    ~~the time of levying the county taxes, levy annually a tax upon all~~  
19    ~~the taxable property within the district sufficient to defray the~~  
20    ~~cost of the maintenance thereof and of making such other~~  
21    ~~expenditures as are authorized by this act in connection therewith~~  
22    ~~and as estimated by the board of directors to be necessary for~~  
23    ~~such purposes; provided, however, that, no such tax levy shall~~  
24    ~~exceed the limitations placed thereon by the provisions of this~~  
25    ~~act. The taxes so levied shall be computed and entered on the~~  
26    ~~assessment roll and collected at the same time and in the same~~  
27    ~~manner as are the taxes of said Monterey County, and when~~  
28    ~~collected shall be paid to the district. Benefit Assessments to~~  
29    ~~Finance Acquisition or Improvement. The district may levy~~  
30    ~~benefit assessments to finance the acquisition of equipment, land~~  
31    ~~or facilities or the improvement of land or facilities for airport~~  
32    ~~purposes consistent with the requirements of Article XIII D of the~~  
33    ~~California Constitution, including, but not limited to, benefit~~  
34    ~~assessments levied pursuant to any of the following:~~

35    (a) *The Improvement Act of 1911 (Division 7 (commencing*  
36    *with Section 5000) of the Streets and Highways Code).*

37    (b) *The Improvement Bond Act of 1915 (Division 10*  
38    *(commencing with Section 8500) of the Streets and Highways*  
39    *Code).*

1 (c) *The Municipal Improvement Act of 1913 (Division 12*  
2 *(commencing with Section 10000) of the Streets and Highways*  
3 *Code).*

4 (d) *The Landscaping and Lighting Assessment Act of 1972*  
5 *(Part 2 (commencing with Section 22500) of Division 15 of the*  
6 *Streets and Highways Code, notwithstanding Section 22501 of*  
7 *the Streets and Highways Code).*

8 (e) *Any other statutory authorization enacted on or after*  
9 *January 1, 2006.*

10 SEC. 28. *Section 20 of the Monterey Peninsula Airport*  
11 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
12 *read:*

13 Sec. 20. Levy of Special Tax. ~~A special tax, in addition to~~  
14 ~~other taxes or assessments herein authorized, may be levied upon~~  
15 ~~the taxable property within the district; provided, the same is~~  
16 ~~authorized by a two-thirds vote of the voters voting on such~~  
17 ~~proposition at a regular or special district election, for airport~~  
18 ~~district purposes, including the acquisition of lands for a public~~  
19 ~~airport or airports and/or the improvement thereof. The detailed~~  
20 ~~procedure for carrying out this section shall be prescribed by~~  
21 ~~ordinance. The district may levy special taxes pursuant to:~~

22 (a) *Article 3.5 (commencing with Section 50075) of Chapter 1*  
23 *of Part 1 of Division 1 of Title 5 of the Government Code. The*  
24 *special taxes shall be applied uniformly to all taxpayers or all*  
25 *real property within the district, except that unimproved property*  
26 *may be taxed at a lower rate than improved property.*

27 (b) *The Mello-Roos Community Facilities Act of 1982*  
28 *(Chapter 2.5 (commencing with Section 53311) of Part 1 of*  
29 *Division 2 of Title 5 of the Government Code).*

30 SEC. 29. *Section 21 of the Monterey Airport District Act*  
31 *(Chapter 52 of the Statutes of 1941) is amended to read:*

32 Sec. 21. Lien of District Taxes. All district taxes provided for  
33 in this act shall become delinquent at the ~~same time~~ *as* county  
34 ~~taxes become so~~ and shall ~~bear like~~ *be subject to the same*  
35 ~~penalties for delinquency. All such~~ district taxes shall be a lien  
36 on all the taxable property in the territory comprising the district  
37 and shall be of the same force and effect as liens for county  
38 taxes, and their collection shall be enforced by the same means as  
39 provided for the enforcement of liens for county taxes.

1     *SEC. 30. Section 22 of the Monterey Peninsula Airport*  
2     *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
3     *read:*

4     ~~Sec. 22. Temporary Borrowing of Money by District on~~  
5     ~~Anticipated Revenue From Taxes. Article 7 (commencing with~~  
6     ~~Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of~~  
7     ~~the Government Code relative to temporary borrowing of money~~  
8     ~~by counties, cities and regional park and school districts, in~~  
9     ~~anticipation of the receipt of income through taxes, shall be~~  
10    ~~applicable to the Monterey Peninsula Airport District, and the~~  
11    ~~powers and duties vested in the board of supervisors, the~~  
12    ~~legislative body of each city, the board of directors of each~~  
13    ~~regional park district, and the governing board of each school~~  
14    ~~district, by Article 7 are hereby vested in the board of directors of~~  
15    ~~the airport district. Acceptance of Revenue, Grants, Goods, or~~  
16    ~~Services. The district may accept any revenue, money, grants,~~  
17    ~~goods, or services from any federal, state, regional, or local~~  
18    ~~agency or from any person for any lawful purpose of the district.~~

19    *SEC. 31. Section 23 of the Monterey Peninsula Airport*  
20    *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
21    *read:*

22    ~~Sec. 23. Limited Tax Levy. The tax levy authorized and~~  
23    ~~directed by the board of directors of the district, and levied for~~  
24    ~~such district by the board of supervisors of said county annually~~  
25    ~~to meet the district expenses for each fiscal year, shall not exceed~~  
26    ~~the rate of two mills (\$0.002) on each dollar of the assessed~~  
27    ~~valuation of the real and personal property within the district,~~  
28    ~~except as in this act otherwise provided. Borrowing. In addition~~  
29    ~~to any other existing authority, the district may borrow money~~  
30    ~~and incur indebtedness pursuant to Article 7 (commencing with~~  
31    ~~Section 53820), Article 7.5 (commencing with Section 53840),~~  
32    ~~Article 7.6 (commencing with Section 53850), and Article 7.7~~  
33    ~~(commencing with Section 53859) of Chapter 4 of Part 1 of~~  
34    ~~Division 2 of Title 5 of the Government Code.~~

35    *SEC. 32. Section 24 of the Monterey Peninsula Airport*  
36    *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
37    *read:*

38    ~~Sec. 24. Alteration of Boundaries, Annexation of Contiguous~~  
39    ~~Territory; Changes of Organization. The boundaries of the~~  
40    ~~district may be altered and contiguous territory in the same~~

1 county annexed thereto and other changes of organization or  
2 reorganizations made, ~~all in the manner and~~ as provided in the  
3 ~~Cortese-Knox~~ Cortese-Knox-Hertzberg Local Government  
4 Reorganization Act of 1985, 2000 (*Division 3 (commencing with*  
5 *Section 56000) of Title 5 of the Government Code*).

6 SEC. 33. Section 25 of the Monterey Peninsula Airport  
7 District Act (Chapter 52 of the Statutes of 1941) is amended to  
8 read:

9 Sec. 25. Inapplicable Statutes. ~~The certain acts known,~~  
10 ~~respectively, as the “District Investigation Act of 1933” (Statutes~~  
11 ~~1933 page 2141), and acts amendatory thereto, and “Special~~  
12 ~~Assessment, Investigation, Limitation and Majority Protest Act~~  
13 ~~of 1931” (Statutes 1931, page 1372), and acts amendatory~~  
14 ~~thereto, shall not be applicable to the “Monterey Peninsula~~  
15 ~~Airport District.” The Special Assessment Investigation,~~  
16 ~~Limitation and Majority Protest Act of 1931 (Division 4~~  
17 ~~(commencing with Section 2800) of the Streets and Highways~~  
18 ~~Code) and any amendments to that act are not applicable to the~~  
19 ~~district.~~

20 SEC. 34. Section 26 of the Monterey Peninsula Airport  
21 District Act (Chapter 52 of the Statutes of 1941) is amended to  
22 read:

23 Sec. 26. Value of Bonds. All bonds issued by ~~said the~~ district  
24 under ~~the provisions of~~ this act are hereby given the same force,  
25 value, effect, and use, as bonds issued by any municipality in this  
26 ~~State state~~, and shall be free and exempt from all taxation within  
27 ~~the State of California state~~.

28 SEC. 35. Section 27 of the Monterey Peninsula Airport  
29 District Act (Chapter 52 of the Statutes of 1941) is amended to  
30 read:

31 Sec. 27. Insertion of Provisions Prescribed as Condition for  
32 Federal Aid. The board of directors of ~~said the~~ district ~~shall have~~  
33 ~~full authority to cause to be inserted~~ may require the insertion in  
34 specifications and contracts for any airport district improvement  
35 or acquisition financed or paid for in whole or in part out of  
36 moneys obtained from the United States of America, or any  
37 department or agency thereof, as a loan, grant, or appropriation,  
38 ~~such~~ provisions or terms as may be prescribed by the United  
39 States of America, or ~~such~~ a federal department or agency, as a

1 condition upon which ~~such Federal~~ *those federal* funds are  
2 loaned, granted, or appropriated.

3 *SEC. 36. Section 28 of the Monterey Peninsula Airport*  
4 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
5 *read:*

6 Sec. 28. Repeal of Act Not to Effect Bonds. No repeal or  
7 amendment of this act shall in any way affect or release any of  
8 the property in ~~said the~~ *the* district from the obligations of any  
9 outstanding bond or indebtedness of ~~said the~~ *the* district, nor shall  
10 any ~~such~~ repeal or amendment become effective or operative in  
11 so far as ~~such those~~ bonds or indebtedness are concerned until the  
12 ~~same~~ *they* have been fully paid and discharged.

13 *SEC. 37. Section 29 of the Monterey Peninsula Airport*  
14 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
15 *read:*

16 Sec. 29. Construction of Act. This act, ~~and every part thereof,~~  
17 shall be liberally construed to promote the objects thereof, and to  
18 carry out its intents and purposes.

19 *SEC. 38. Section 30 of the Monterey Peninsula Airport*  
20 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
21 *read:*

22 Sec. 30. Constitutionality. ~~In case If~~ *If* any section, or sections,  
23 or part of any section, of this act, ~~shall be~~ *is* found to be  
24 unconstitutional or invalid, for any reason, the remainder of the  
25 act shall not thereby be invalidated, but shall remain in full force  
26 and effect.

27 *SEC. 39. Section 31 of the Monterey Peninsula Airport*  
28 *District Act (Chapter 52 of the Statutes of 1941) is amended to*  
29 *read:*

30 Sec. 31. Title. This act ~~may be designated and referred to~~  
31 *shall be known and may be cited* as the “Monterey Peninsula  
32 Airport District Act,” and any reference ~~thereto to this act~~ by  
33 ~~such~~ *that* designation shall be deemed sufficient for all purposes.

34 ~~SEC. 9:~~

35 *SEC. 40.* No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 the only costs that may be incurred by a local agency or school  
38 district are the result of a program for which legislative authority  
39 was requested by that local agency or school district, within the

1 meaning of Section 17556 of the Government Code and Section  
2 6 of Article XIII B of the California Constitution.  
3 No reimbursement shall be made pursuant to Part 7  
4 (commencing with Section 17500) of Division 4 of Title 2 of the  
5 Government Code for any other costs mandated by the state  
6 pursuant to this act. It is recognized, however, that a local agency  
7 or school district may pursue any remedies to obtain  
8 reimbursement available to it under Part 7 (commencing with  
9 Section 17500) and any other provisions of law.

O